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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,605	03/05/2002	Andrew L. Wilhelm	DP-301569	6575

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,605

Applicant(s)

WILHELM ET AL.

Examiner

Julie Lieu

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✓

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to Applicant's request for RCE filed July 30, 2004.

Claims 1, 9, 13, 21, and 22 have been amended. Claims 19 and 26-50 have been canceled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 16 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener (US Patent No. 6,490,521) in view of de Silva (US Patent No. 6,732,047).

Claim 1:

Wiener discloses an alert system comprising:

- a. A condition information receiver 70,71,77 receiving condition data and generating a condition information signal in response to the condition data
- b. A positioning system receiver 25 receiving position data and generating a position signal in response to the position data
- c. An indicator 81,83
- d. A system controller 76 electrically coupled to the condition information receiver 77, the positioning system, the indicator, the system controller receiving the condition information signal (weather, traffic, navigation information, etc.) (Col. 8) (second paragraph), the position

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signal (GPS data), and coupling a condition alert signal to the indicator 81,83 in response to the condition information signal and the position signal.

Wiener fails to disclose determining if the position system receiver is approaching the alert area within a predetermined distance and an overriding provision in response to receiving the condition alert signal. However, this concept is taught in de Silva, wherein an enlarged or highlighted interaction diagram is displayed to inform a driver of the desired one of roads or direction selectable at the intersection. This is analogous to an overriding provision since it is caused to be displayed with enlarged and highlighted to attract the driver's attention. In light of this teaching, it would have been obvious to one skilled in the art, at the time the invention was made, to readily recognized using this concept in the Wiener system because it is desirable to provide the driver with information in advance so that driver can take action accordingly.

Claim 2 :

The alert system in Wiener is an audio unit 83, a video unit 81, and a heads-up display.

See col. 6, lines 41-49.

Claim 3:

The system in Wiener further comprises:

- a. A video system 80 electrically coupled to the system controller 76
- e. An audio system 83 electrically coupled to the system controller 76 wherein the system controller indicates the conditional alert signal in the video system and the audio system.

Claim 4:

The condition signal in Wiener is the weather.

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Claim 5 :

The video system in Wiener is a navigation system.

Claim 6:

The audio system in Wiener receives data is a recorded voice.

Claim 7 :

The system controller 76 receives the position signal (GPS data) and signals the video display system (navigation map or text).

Claim 8:

The system controller 76 combines the condition information signal with the position signal to form an overlay condition position signal.

Claim 9:

The position data in Wiener also indicates a heading direction of the condition information receiver.

Claim 10:

The condition information receiver in Wiener is a wireless communicating system and navigation system.

Claim 11:

The audio system in Wiener is a sound conveying device.

Claim 12:

The condition information receiver is a wireless data system, personal communication service, and cellular data network.

Claims 13 and 14:

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The rejection of claim 13 and 14 recites what was discussed in the rejection of claims 1 and 2.

Claim 15:

The indicating: method step in Wiener indicates current hazardous condition, further displaying a condition map on a video display and overlaying a condition alert system position on the video display and indicating a condition alert system heading. Col. 6, lines 32-49.

Claim 18:

In Wiener, the system dynamically updates condition data based on a condition alert system position.

Claim 20:

The displaying step in Wiener displays an overlay of a condition alert system position on a generated condition map on a video display. Col. 6, lines 33-40.

Claim 21 :

The system in Wiener and displays the heading direction of a vehicle.

4. Claims 16 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener (US Patent No. 6,490,521) in view of de Silva (US Patent No. 6,732,047) and further in view of Klosinski et al. (US Patent NO. 5,889,475).

Claim 16:

Though Wiener and Silva fails to disclose overriding vehicle audio entertainment systems and generating an audio signal on a vehicle audio entertainment system, the concept of overriding the vehicle radio system and broadcasting emergency situation over the same is

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conventional in the art as taught in Klosinski. In light of this teaching, it would have been obvious to one skill in the art to apply the same concept in the combined system of Wiener and de Silva because it would allow emergency situation to be brought to subscriber's attention immediately.

Claim 22:

Wiener discloses an alert system comprising:

- a. A condition information receiver 70,71,77 receiving condition data and generating a condition information signal in response to the condition data
- b. A positioning system receiver 25 receiving position data an generating a position signal in response to the position data
- c. A video system 80
- d. An audio system 83
- e. A system controller 76 electrically coupled to the condition information receiver 77, the positioning system, the indicator, the system controller receiving the condition information signal (weather, traffic, navigation information, etc. . .col. 8, (second paragraph), the position signal (GPS data), and coupling a condition alert signal to the indicator 81,83 in response to the condition information signal and the position signal.

Wiener fails to disclose determining if the position system receiver is approaching the alert area within a predetermined distance. However, this concept is taught in de Silva, wherein an enlarged or highlighted interaction diagram is displayed to inform a driver of the desired one of roads or direction selectable at the intersection. In light of this teaching, it would have been obvious to one skilled in the art, at the time the invention was made, to readily recognized using

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this concept in the Wiener system because it is desirable to provide the driver with information in advance so that driver can take action accordingly.

Wiener fails to disclose providing the condition alert to the audio system, though it provides information to the display (which is a video system). However, the concept of providing the vehicle radio system and broadcasting emergency situation over the same is conventional in the art as taught in Klosinski. In light of this teaching, it would have been obvious to one skill in the art to apply the same concept in the system of Wiener because it would allow emergency situation to be brought to subscriber's attention immediately.

Claim 23:

The combined system uses a power provision includes a power provision for powering the display.

Claim 24:

The combined system uses a power provision for turning off an existing vehicle entertainment system selected from a group of CD player, tape player, and a nonbroadcast device. Co1.5, lines 48-54.existing vehicle, entertainment system selected from a group of CD player, tape player, and a nonbroadcast device.

Claim 25:

The rejection of claim 25 recites the rejection of claim 24, except it is a method claim.

Applicant's Remarks

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5. “Nothing in Wiener suggests transmitting to the vehicle a set of coordinates of an alert area. Moreover, in Applicant’s system, the controller determines when the vehicle is approaching and within a predetermined distance of an alert are, and provides a condition alert signal to an indicator to advise the operator.”

Response to Applicant’s Remarks

6. Applicant's arguments filed 7/30/04 have been fully considered but they are not persuasive.

7. The set of coordinates is inherent in the system of Wiener because the system need have to know the location in order to provide the information on the map display. Therefore, the applicant’s argument is not considered persuasive.

Regarding the argument that the controller determines when the vehicle is approaching, this argument is moot in view of new ground of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on Mon-Fri 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long horizontal flourish extending to the right.

Julie Lieu
Primary Examiner
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Sept. 14, 04